

U.S. HOUSE OF REPRESENTATIVES
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July 20, 2001

President George W. Bush
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20515

Dear Mr. President:

We are writing to you because of our concern over one of the unintended impacts of the transfer of satellite licensing from the Department of Commerce to the Department of State two years ago. We believe that, with your assistance, correction of the situation should be relatively easy to accomplish.

As you know, the nation has had a distinguished record of achievement in the scientific exploration of space since the dawn of the Space Age over forty years ago. The joint efforts of the National Aeronautics and Space Administration, America's universities, industry, and international scientific collaborators have led to an enormous advance in our knowledge of the universe. Those research activities have also contributed greatly to the education of generations of American scientists and engineers, as well as delivering technological spinoffs that have benefited the American taxpayers.

By its nature, fundamental scientific research is best accomplished in an environment of openness that allows the participation of the best scientific minds in the world. In the mid-1980s, the Reagan Administration addressed the issue of how best to balance the need for openness in international scientific collaboration with the need to ensure that national security is protected. The result was a policy consensus that fundamental research should be exempt from the provisions of the International Traffic in Arms Regulations (ITAR), and that legitimate national security concerns related to sensitive technologies employed in the research would best be addressed by classification. As part of that consensus, scientific satellites were not included on the Munitions List. President Reagan codified the essence of those policies in 1985 in NSDD-189.

Mr. President, the approach developed by the Reagan Administration served the nation well over the following decade and a half. We are aware of no national security breaches resulting from collaborative space science research activities during that period. However, a system that has worked well is in the process of unraveling due to confusion about what the rules should be from this point forward, and conflicting signals about how those rules would be implemented. As a result, the highly successful framework for

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collaboration between NASA, industry, and the universities in the conduct of space research is in jeopardy.

We thus would respectfully request that you use your authority expeditiously to clarify the situation by reiterating the policy consensus reached during the Reagan Administration, namely that fundamental research shall remain exempt from the provisions of the ITAR and scientific satellites shall not be part of the Munitions List. Such a clarification would remove the cloud of confusion and uncertainty that currently overhangs our nation's space science research enterprise.

Sincerely,



SHERWOOD L. BOEHLERT
Chairman



RALPH M. HALL
Ranking Member